

Notice of Allowability

Application No.

10/091,894

Examiner

Darwin P. Erez

Applicant(s)

KOBAYASHI ET AL.

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 6/16/05.
2. ☒ The allowed claim(s) is/are 3-5.
3. ☒ The drawings filed on 22 April 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tom Spinelli on 09/12/05.

The application has been amended as follows:

IN THE CLAIMS:

1 and 2. (Canceled)

3. (Currently Amended) ~~A mechanism according to claim 1,~~ An apparatus for ligating living tissues comprising:

an introducing tube capable of being inserted into a living body cavity;

a manipulating wire movably inserted into the introducing tube;

at least two clips; and

a connecting member which engages each of the clips and the manipulating wire with each other, wherein, in ligating the clips separately to a living tissue, a tensile stress of the manipulating wire is applied only to the clip located at a most distal end of the introducing tube;

wherein said connecting member is a loop shaped wire formed between said manipulating wire and said clip.

4. (Currently Amended) ~~A mechanism according to claim 1,~~ An apparatus for ligating living tissues comprising:

an introducing tube capable of being inserted into a living body cavity;

a manipulating wire movably inserted into the introducing tube;

at least two clips;

a connecting member which engages each of the clips and the manipulating wire with each other, wherein, in ligating the clips separately to a living tissue, a tensile stress of the manipulating wire is applied only to the clip located at a most distal end of the introducing tube; and

~~further comprising~~ a clip tightening ring engagingly mounted on arm sections of said clip, thereby closing pinch sections of said clip; and engaging means provided at least at one of said introducing tube and said clip tightening ring, which causes said introducing tube and said clip tightening ring to be engaged with each other when said clip and said clip tightening ring are protruded forwardly of said introducing tube, and inhibits said clip tightening ring from being stored in said introducing tube again.

5. (Currently Amended) ~~A mechanism according to claim 1,~~ An apparatus for ligating living tissues comprising:

an introducing tube capable of being inserted into a living body cavity;

a manipulating wire movably inserted into the introducing tube;

at least two clips; and

a connecting member which engages each of the clips and the manipulating wire with each other, wherein, in ligating the clips separately to a living tissue, a tensile

stress of the manipulating wire is applied only to the clip located at a most distal end of the introducing tube;

wherein, when the tensile stress is applied between said clip positioned at the most distal end and said manipulating wire, said connecting member is configured to be deformed or broken more easily than said manipulating wire.

6-23. (Canceled)

2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record, US 5,833,700 to Fogelberg, teaches an apparatus for ligating living tissues comprising an introducing tube **33**; a manipulating wire **32** movably inserted into the introducing tube; at least two clips **34**; and a connecting member **31** which engages each of the clips and the manipulating wire with each other, wherein, in ligating the clips separately to a living tissue, a tensile stress of the manipulating wire is applied only to the clip located at a most distal end of the introducing tube.

Fogelberg fails the apparatus comprising the connecting member being a loop shaped wire formed between said manipulating wire and said clip; or the apparatus comprising a clip tightening ring engagingly mounted on arm sections of the clip, thereby closing pinch sections of said clip; and engaging means provided at least at one of said introducing tube and said clip tightening ring, which causes said introducing tube and said clip tightening ring to be engaged with each other when said clip and said clip tightening ring are protruded forwardly of said introducing tube, and inhibits said clip

tightening ring from being stored in said introducing tube again; or an apparatus wherein, when the tensile stress is applied between said clip positioned at the most distal end and said manipulating wire, said connecting member is configured to be deformed or broken more easily than said manipulating wire.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darwin P. Erez who's telephone number is (571) 272-4695. The examiner can normally be reached on M-F (7:30-4:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan T. Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER
9/18/05